

# HOUSE BILL 278

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By: **Delegates Reznik, Burns, Carr, Clippinger, DeBoy, A. Kelly, Luedtke, McDonough, and Waldstreicher**

Introduced and read first time: January 27, 2012

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Dangerous Dogs and At-Risk Owners**

3 FOR the purpose of authorizing an appropriate unit of a county or municipal  
4 corporation to determine that a person is an at-risk owner under certain  
5 circumstances; authorizing the unit to require an at-risk owner to register with  
6 the unit and pay a registration fee set by the unit; requiring an at-risk owner to  
7 provide a letter containing certain information to the Department of Health and  
8 Mental Hygiene and complete a responsible pet ownership course before  
9 acquiring a dog; requiring an at-risk owner to provide a letter containing  
10 certain information to the Department within a certain period of time after  
11 acquiring a dog; providing that a determination that a person is an at-risk  
12 owner expires after a certain period of time under certain circumstances;  
13 establishing a civil penalty for a violation of this Act; defining certain terms;  
14 and generally relating to dangerous dogs and at-risk owners.

15 BY repealing and reenacting, without amendments,  
16 Article – Criminal Law  
17 Section 10–619  
18 Annotated Code of Maryland  
19 (2002 Volume and 2011 Supplement)

20 BY adding to  
21 Article – Criminal Law  
22 Section 10–619.1  
23 Annotated Code of Maryland  
24 (2002 Volume and 2011 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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**Article – Criminal Law**

2 10–619.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) “Dangerous dog” means a dog that:

5 (i) without provocation has killed or inflicted severe injury on a  
6 person; or7 (ii) is determined by the appropriate unit of a county or  
8 municipal corporation under subsection (c) of this section to be a potentially dangerous  
9 dog and, after the determination is made:

10 1. bites a person;

11 2. when not on its owner’s real property, kills or inflicts  
12 severe injury on a domestic animal; or

13 3. attacks without provocation.

14 (3) (i) “Owner’s real property” means real property owned or leased  
15 by the owner of a dog.16 (ii) “Owner’s real property” does not include a public  
17 right-of-way or a common area of a condominium, apartment complex, or townhouse  
18 development.19 (4) “Severe injury” means a physical injury that results in broken  
20 bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.21 (b) This section does not apply to a dog owned by and working for a  
22 governmental or law enforcement unit.23 (c) An appropriate unit of a county or municipal corporation may determine  
24 that a dog is potentially dangerous if the unit:

25 (1) finds that the dog:

26 (i) has inflicted a bite on a person while on public or private  
27 real property;28 (ii) when not on its owner’s real property, has killed or inflicted  
29 severe injury on a domestic animal; or

30 (iii) has attacked without provocation; and

1           (2) notifies the dog owner in writing of the reasons for this  
2 determination.

3           (d) A dog owner may not:

4           (1) leave a dangerous dog unattended on the owner's real property  
5 unless the dog is:

6                   (i) confined indoors;

7                   (ii) in a securely enclosed and locked pen; or

8                   (iii) in another structure designed to restrain the dog; or

9           (2) allow a dangerous dog to leave the owner's real property unless the  
10 dog is leashed and muzzled, or is otherwise securely restrained and muzzled.

11           (e) An owner of a dangerous dog or potentially dangerous dog who sells or  
12 gives the dog to another shall notify in writing:

13           (1) the authority that made the determination under subsection (c) of  
14 this section, of the name and address of the new owner of the dog; and

15           (2) the person taking possession of the dog, of the dangerous behavior  
16 or potentially dangerous behavior of the dog.

17           (f) A person who violates this section is guilty of a misdemeanor and on  
18 conviction is subject to a fine not exceeding \$2,500.

19 **10-619.1.**

20           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
21 **MEANINGS INDICATED.**

22                   **(2) "AT-RISK OWNER" MEANS A PERSON WHO OWNS OR HAS**  
23 **OWNED ONE OR MORE DANGEROUS DOGS.**

24                   **(3) "DANGEROUS DOG" HAS THE MEANING STATED IN § 10-619**  
25 **OF THIS SUBTITLE.**

26           **(B) AN APPROPRIATE UNIT OF A COUNTY OR MUNICIPAL CORPORATION**  
27 **MAY DETERMINE THAT A PERSON IS AN AT-RISK OWNER IF THE UNIT:**

28                   **(1) FINDS THAT THE PERSON OWNS OR HAS OWNED ONE OR MORE**  
29 **DANGEROUS DOGS; AND**

1           **(2)** NOTIFIES THE PERSON IN WRITING THAT THE PERSON HAS  
2 BEEN DETERMINED TO BE AN AT-RISK OWNER WITHIN 30 DAYS AFTER THE  
3 FINDING IN ITEM **(1)** OF THIS SUBSECTION IS MADE.

4           **(C)** AN APPROPRIATE UNIT OF A COUNTY OR MUNICIPAL CORPORATION  
5 MAY REQUIRE A PERSON DETERMINED TO BE AN AT-RISK OWNER TO REGISTER  
6 WITH THE UNIT AND PAY A REGISTRATION FEE SET BY THE UNIT.

7           **(D)** BEFORE ACQUIRING A DOG, AN AT-RISK OWNER SHALL:

8                   **(1)** PROVIDE A LETTER TO THE DEPARTMENT OF HEALTH AND  
9 MENTAL HYGIENE, SIGNED BY A VETERINARY PRACTITIONER LICENSED UNDER  
10 TITLE 2, SUBTITLE 3 OF THE AGRICULTURE ARTICLE, THAT STATES THAT ALL  
11 DOGS IN THE AT-RISK OWNER'S RESIDENCE HAVE:

12                               **(I)** A VALID LICENSE AND CURRENT RABIES VACCINATION;  
13 AND

14                               **(II)** BEEN SPAYED OR NEUTERED; AND

15                   **(2)** COMPLETE A RESPONSIBLE PET OWNERSHIP COURSE  
16 CONDUCTED OR AUTHORIZED BY THE APPROPRIATE UNIT OF A COUNTY OR  
17 MUNICIPAL CORPORATION THAT INCLUDES AN INSTRUCTIONAL VIDEO AND  
18 WRITTEN EXAMINATION.

19           **(E)** WITHIN 60 DAYS AFTER ACQUIRING A DOG, AN AT-RISK OWNER  
20 SHALL PROVIDE A LETTER TO THE DEPARTMENT OF HEALTH AND MENTAL  
21 HYGIENE, SIGNED BY A VETERINARY PRACTITIONER LICENSED UNDER TITLE 2,  
22 SUBTITLE 3 OF THE AGRICULTURE ARTICLE, THAT STATES THAT THE DOG HAS:

23                               **(1)** A VALID LICENSE AND CURRENT RABIES VACCINATION; AND

24                               **(2)** BEEN SPAYED OR NEUTERED.

25           **(F)** A DETERMINATION THAT A PERSON IS AN AT-RISK OWNER UNDER  
26 SUBSECTION **(B)** OF THIS SECTION EXPIRES 5 YEARS AFTER THE  
27 DETERMINATION IF:

28                               **(1)** THE AT-RISK OWNER COMPLIES WITH THE REQUIREMENTS OF  
29 THIS SECTION AND § 10-619 OF THIS SUBTITLE; AND

1                   **(2) NO OTHER DOG IN THE AT-RISK OWNER'S RESIDENCE IS**  
2 **FOUND TO BE A DANGEROUS DOG OR A POTENTIALLY DANGEROUS DOG.**

3                   **(G) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL**  
4 **PENALTY NOT EXCEEDING \$2,500.**

5                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2012.